



General Assembly

February Session, 2014

Raised Bill No. 5284

LCO No. 1172



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT PROHIBITING SMOKING IN CERTAIN AREAS OF RAILROAD STATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-342 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) As used in this section, "smoke" or "smoking" means the lighting
4 or carrying of a lighted cigarette, cigar, pipe or similar device.

5 (b) (1) Notwithstanding the provisions of section 31-40q, no person
6 shall smoke: (A) In any building or portion of a building owned and
7 operated or leased and operated by the state or any political
8 subdivision thereof; (B) in any area of a health care institution; (C) in
9 any area of a retail food store; (D) in any restaurant; (E) in any area of
10 an establishment with a permit issued for the sale of alcoholic liquor
11 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a,
12 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an
13 establishment with a permit for the sale of alcoholic liquor pursuant to
14 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004,

15 in any area of an establishment with a permit issued for the sale of
16 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a
17 bowling establishment holding a permit pursuant to subsection (a) of
18 section 30-37c; (F) within a school building while school is in session or
19 student activities are being conducted; (G) in any passenger elevator,
20 provided no person shall be arrested for violating this subsection
21 unless there is posted in such elevator a sign which indicates that
22 smoking is prohibited by state law; (H) in any dormitory in any public
23 or private institution of higher education; [or (I) on and after April 1,
24 2004,] (I) in any area of a dog race track or a facility equipped with
25 screens for the simulcasting of off-track betting race programs or jai
26 alai games; or (J) in any outdoor ticketing, boarding or platform area of
27 a railroad station. For purposes of this subsection, "restaurant" means
28 space, in a suitable and permanent building, kept, used, maintained,
29 advertised and held out to the public to be a place where meals are
30 regularly served to the public.

31 (2) This section shall not apply to (A) correctional facilities; (B)
32 designated smoking areas in psychiatric facilities; (C) public housing
33 projects, as defined in subsection (b) of section 21a-278a; (D)
34 classrooms where demonstration smoking is taking place as part of a
35 medical or scientific experiment or lesson; (E) smoking rooms
36 provided by employers for employees, pursuant to section 31-40q; (F)
37 notwithstanding the provisions of subparagraph (E) of subdivision (1)
38 of this subsection, the outdoor portion of the premises of any permittee
39 listed in subparagraph (E) of subdivision (1) of this subsection,
40 provided, in the case of any seating area maintained for the service of
41 food, at least seventy-five per cent of the outdoor seating capacity is an
42 area in which smoking is prohibited and which is clearly designated
43 with written signage as a nonsmoking area, except that any temporary
44 seating area established for special events and not used on a regular
45 basis shall not be subject to the smoking prohibition or signage
46 requirements of this subparagraph; or (G) any tobacco bar, provided
47 no tobacco bar shall expand in size or change its location from its size

48 or location as of December 31, 2002. For purposes of this subdivision,
49 "outdoor" means an area which has no roof or other ceiling enclosure,
50 "tobacco bar" means an establishment with a permit for the sale of
51 alcoholic liquor to consumers issued pursuant to chapter 545 that, in
52 the calendar year ending December 31, 2002, generated ten per cent or
53 more of its total annual gross income from the on-site sale of tobacco
54 products and the rental of on-site humidors, and "tobacco product"
55 means any substance that contains tobacco, including, but not limited
56 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

57 (c) The operator of a hotel, motel or similar lodging may allow
58 guests to smoke in not more than twenty-five per cent of the rooms
59 offered as accommodations to guests.

60 (d) In each room, elevator, area or building in which smoking is
61 prohibited by this section, the person in control of the premises shall
62 post or cause to be posted in a conspicuous place signs stating that
63 smoking is prohibited by state law. Such signs, except in elevators,
64 restaurants, establishments with permits to sell alcoholic liquor to
65 consumers issued pursuant to chapter 545, hotels, motels or similar
66 lodgings, and health care institutions, shall have letters at least four
67 inches high with the principal strokes of letters not less than one-half
68 inch wide.

69 (e) Any person found guilty of smoking in violation of this section,
70 failure to post signs as required by this section or the unauthorized
71 removal of such signs shall have committed an infraction.

72 (f) Nothing in this section shall be construed to require any smoking
73 area in any building.

74 (g) The provisions of this section shall supersede and preempt the
75 provisions of any municipal law or ordinance relative to smoking
76 effective prior to, on or after October 1, 1993.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2014</i>	19a-342
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Statement of Purpose:

To prohibit smoking in certain areas of railroad stations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]